

FILED 10 MAY 24 16:35 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**VICKI VAN VALIN, on behalf of herself
and all others similarly situated within
the state of Oregon; NEIL MERTZ on
behalf of himself and all others similarly
situated within the state of Washington;**

Plaintiffs,

v.

**GOOGLE INC., a Delaware
corporation;**

Defendant.

No. 3:10-CV-557-ST

**ORDER ON PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiffs filed a Motion for entry of a Temporary Restraining Order and Preliminary Injunction. (Dkt. 3). Defendant has appeared through counsel, and filed a Response and supporting documents.

The Court, having reviewed the submissions of the parties, and held oral argument in court on May 24, 2010, hereby ORDERS that Defendant Google Inc. shall, within 10 days of this Order:

1. Produce two exact bit-by-bit mirror image copies of the existing hard drive (described by the defendant as an encrypted hard drive containing the "payload" data for the United

States), such that upon completion of the process, the target disks are identical to and interchangeable with the existing source disk ("clones");

2. transmit both clone drives in their enclosures, power supplies and necessary cables to the Federal District Court, District of Oregon, Portland Division, to the attention of Dawn Stephens, courtroom deputy for the Honorable Michael Mosman, where these will then be lodged with the court under seal.

3. Google will retain the source hard drive and the encryption key. Access to the data on the source hard drive retained by Google will be determined in the normal course of discovery, with the clones lodged with the Court available should something happen to that hard drive, or if plaintiffs otherwise make a showing to the court that data from a cloned hard drive should be accessed. Defendants shall take necessary steps to ensure any encryption key or password necessary to access the data on the clone drives is securely maintained and available to the Court upon its request or further Order, if necessary.

Dated: 24 May, 2010.


District Court Judge Michael Mosman